S. B. CIVIL (MISC.) TRANSFER PETITION NO. 4/2007
(Rajni Mehta v. Manoj Khabani & Others).

Date of Order: :06-02-2007

HON'BLE MR. JUSTICE PRAKASH TATIA

Mr.D.C.Singhvi, Power of Attorney-holder of Petitioner, present in person.

Heard Power of Attorney-holder of petitioner.

According to the Power of Attorney-holder of petitioner, the petitioner filed one money suit against non-petitioner No.1, wherein summon of suit was served upon the non-petitioner No.1. The trial Court granted few adjournemnts to the defendant-non-petitioner for filing the written-statement, but without imposing any cost. The Power of Attorney-holder of the petitioner submits that the petitioner sought time on valid grounds, but either the adjournments were not granted or were granted for a short period only. It is also submitted that when the petitioner got an illegible copy of the order, she applied for typed copy of the order and, thereafter, got the legible certified copy of the order and sought time to challenge the order, but instead of granting four weeks' time as sought by the petitioner, only two weeks' time was granted by the court below. Not only this, but, according to the power of attorney holder of the petitioner, when the petitioner objected for filing the written

statement, after expiry of the period of limitation, the objection was rejected by imposing cost upon the petitioner. In these circumstances, according to the power of attorney holder of the petitioner, the petitioner cannot get the justice from the court below.

I considered the submissions and find that no ground is made out for transfer of the petition to the other Court. Hence, the transfer petition is dismissed.

(PRAKASH TATIA), J.

Scd.